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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/529,654	04/18/2000	James T Loch III	3525-74	8308

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EXAMINER

WRIGHT, SONYA N

ART UNIT PAPER NUMBER

1626

DATE MAILED: 11/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/529,654

Applicant(s)

LOCH III ET AL.

Examiner

Sonya Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6, 9, 10, 13, 16, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 2, 4, 5, 7, 8, 11, 12, and 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This Office Action is in response to Applicant's Amendment filed 9-16-02. Claims 17-41 have been cancelled. Claims 1-15, 16, 42, and 43 are pending in this application.

The rejections over 35 U.S.C 102, 103, and 112 and the claim objections have been maintained.

Response to Arguments

Applicant's arguments filed 9-16-02 have been fully considered but they are not persuasive. Applicant argues that they can find nothing in '914 that discloses an Ar moiety. However, in the CAS online structure display of US Patent 6,110,914, Phillips et al., compounds RN 220100-73-2, RN 220100-71-0, RN 220100-57-2, and RN 220100-56-1 read on the instant claims. RN 220100-73-2 reads on the instant claims when, in the instant claims, R is hydrogen and C1-C4 alkyl; and when R1 is $-(CH_2)_nAr$, Ar is phenyl, and n is 0 to 3. Note that RN 220100-73-2 is a positional isomer of the instant claims because the $-NHPH$ group in RN 220100-73-2 is in the 4 position on the phenyl while the $-NHPH$ group in the instant claims is limited to the 5 or 6 position on the phenyl.

RN 220100-71-0 reads on instant claim 43 when, in the instant claims E is NHR and R is COR2 and R2 is hydrogen.

RN 220100-57-2 reads on the instant claims when, in the instant claims R is hydrogen, and C1-C4 alkyl; and when R1 is $-(CH_2)_nAr$, Ar is phenyl, and n is 0 to 3.

RN 220100-56-1 reads on instant claim 43 when, in the instant claims E is NHR and R is alkyl.

Claim 42 is generically taught by Phillips et al. in the '914 patent (see column 1, lines 45-67, column 2, lines 1-27, column 3, lines 15-67, columns 4 and 5 in their entirety, and column 6, lines 1-13).

One of ordinary skill in the art would be motivated to use the disclosure of Phillips et al. to prepare the instant compounds because of the species examples Phillips et al. which are included in the genus of the instant claims (see the CAS ONLINE structure display cited supra). Further, one of ordinary skill in the art would expect that compounds which are similar in structure to the compounds of Phillips et al. would have similar use in treating disorders involving reduced cholinergic function such as Alzheimer's disease.

Applicants submit that in claim 16, the objected to word "including " is functionally equivalent in the sentence of the claim, and has the same meaning as the more-commonly used word "comprising". It is requested that Applicant delete "including" and insert --comprising--, for clarity.

Claims 2, 4, 5, 7, 8, 11, 12, and 14 are objected to for being dependent on rejected claims.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sonya Wright, whose telephone number is (703) 308-4539. The examiner can normally be reached on Monday-Friday from 8:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph K. McKane, can be reached at (703) 308-4537. The Unofficial fax phone number for this Group is (703) 308-7922. The Official fax phone numbers for this Group are (703) 308-4556 or 305-3592.

When filing a FAX in Technology Center 1600, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communications with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [joseph.mckane@uspto.gov]. All Internet e-mail communications will be made of record in the application file. PTO employees will not communicate with applicant via Internet e-mail where sensitive data will be exchanged or where there exists a possibility that sensitive data could be identified unless there is of record an express waiver of the confidentiality requirements under 35 U.S.C. 122 by the applicant. See the Interim Internet Usage Policy published by the Patent and Trademark Office Official Gazette on February 25, 1997 at 1195 OG 89.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, whose telephone number is (703) 308-1235.

Joseph K. McKane

Supervisory Patent Examiner

Group 1600

Sonya Wright

November 25, 2002

Alan L. Rotman

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